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15 ATTORNEYS FOR DEFENDANT-INTERVENOR

16 UNITED STATES DISTRICT COURT
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA

18 SERVICE EMPLOYEES INTERNATIONAL UNION,
19 LOCAL 790,

20 Plaintiff,

21 v.

22 JOSEPH P. NORELLI, Individually, and in his
23 capacity as REGIONAL DIRECTOR, NATIONAL
24 LABOR RELATIONS BOARD, REGION 20; *et al.*,

25 Defendants.

CASE NO. 3:07-cv-2766 PJH

**DECLARATION OF STEPHEN J. BURKE,
JR., IN OPPOSITION TO PLAINTIFF'S
MOTION FOR A TEMPORARY
RESTRAINING ORDER**

**HEARING DATE:
TIME:
COURTROOM OF**

26 Pursuant to Section 1746 of the Judicial Code, 28 U.S.C. § 1746, Stephen J. Burke, Jr.,
27 declares as follows:

28 1. My name is Stephen J. Burke, Jr. I have first hand knowledge of all of the facts set
forth herein, and if called to testify could do so competently.

2. I am the sole Petitioner in the underlying NLRB cases that led up to this litigation, Case
Nos. 20-UD-445 and 20-UD-447. See also *Covenant Aviation Security, LLC*, 349 NLRB No. 67 (30
March 2007). I have been attempting to secure this deauthorization election for over 1.5 years, since
late 2005. The roadblocks have been enormous.

1 3. Initially, the NLRB Regional Director twice dismissed the petition and I had to instruct
2 my attorney, Glenn Taubman, to file appeals to the full National Labor Relations Board in
3 Washington. This led to the successful decision in *Covenant Aviation Security, LLC*, 349 NLRB No.
4 67 (30 March 2007), which reinstated my election.

5 4. Another obstacle to securing my election derives from the fact that I am employed as
6 one of over 900 security screeners at San Francisco Airport. Given the nature of our jobs, it is very
7 difficult for us to communicate with the vast majority of our fellow employees. This is so because
8 security screeners are on duty 24 hours per day, seven days per week, on multiple and varying shifts, so
9 that employees do not work with or see the vast majority of their co-workers on a regular basis. Thus,
10 if an employee like myself wishes to communicate information to all of my fellow workers, it is very
11 difficult and time consuming to do so, and even then it is likely that many employees will never get the
12 message because of the large number of employees involved, the geographic spread, and the widely
13 varying shifts that employees work.

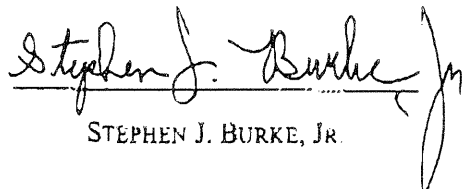
14 5. The SEIU union has known about this deauthorization effort for all of this time.
15 Indeed, the union has been campaigning against this deauthorization effort almost since its inception
16 back in 2005. Attached hereto as Exhibit 1 are copies of several flyers that were circulated around my
17 workplace, presumably by the SEIU union or its agents, campaigning against the deauthorization effort
18 and trying to convince employees not to support it. Some of these flyers circulated as early as 2005,
19 some more recently. Thus, SEIU Local 790's claim that it and other SEIU unions will face some sort
20 of surprising and devastating irreparable injury if the election goes forward and they have to campaign
21 seems ridiculous to me, since the union has been fighting this effort and campaigning against it almost
22 since its inception.

23 6. I also wish to respond to SEIU Local 790's claim that it will be irreparably harmed if the
24 election goes forward, with minimal harm to others. I am the Petitioner in the underlying election
25 case, and, along with my many supporters who favor the election, we will be greatly harmed by any
26 further delay. Unlike the union which has a paid staff of full time operatives, my supporters and I can
27 only campaign on our off-duty time. As such, we have only limited opportunities to campaign. Every
28 time the election date is changed or further postponed, we need to communicate with our supporters.

1 It is very confusing to our own supporters to explain the delays and to explain what is happening with
2 the election.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Executed on June 11, 2007.

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STEPHEN J. BURKE, JR.



The Fight Has Just Begun!

- Some CAS employees are under the false impression that once we won a good contract, we could all kick back and enjoy our new rights, our new benefits and our improved wages. **Not so!**
- We **only** won this good contract because we fought hard. Many CAS workers organized to improve the sick leave policy, fight for dependent health coverage and free parking, and stop unfair discipline. We also leveraged CAS through our political allies.
- CAS will try to weaken the Union by ignoring our contract language and continuing to terminate workers. **And** CAS will keep track of our numbers! If we have few members, they will be reluctant to enforce the contract. We will continually fight to keep the things we have already won!
- Our standard of living will improve only if we have the means to enforce the current contract--a strong membership with active stewards and Chapter leaders.

The De-authorization Fight

The same people that kept the Union out for over 3 years, while hundreds of workers were terminated, are now trying to de-authorize the Union. They are circulating a de-authorization petition stating that "you don't need to pay dues and you can get the same deal." You won't get the same deal! Without members, you'll get a weak Union.

Don't Sign The De-authorization Petition!
The Union Is Only As Strong As Its Members.



Its quality of the membership not quantity. Quality of the membership is what counts.

The union is only as strong as its staff. The members are served by the staff. If the staff is ineffective we are ineffective.

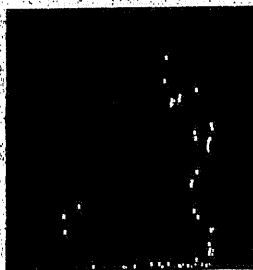
2005

Support Our Union!



Damien Wong
Shop Steward, Bargaining Team Member

Having a strong union is having the power to stand up for what's right. USA Local 1 wants you to believe that you can get the same thing for nothing, but how can you enforce a good contract with no resources? By signing the de-authorization petition we're telling management that they have the power over our lives and they can do *what they want to us when they want to.*

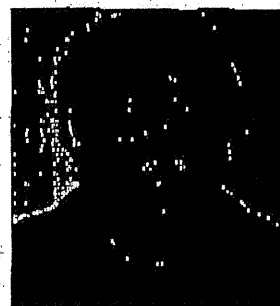


Eldy Joch
Shop Steward

What good is a contract if it is not enforced? By signing the petition for union de-authorization you will stop paying dues but we will also lose our power, support and respect.

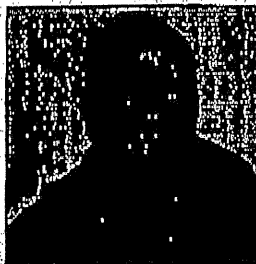
Verena Angel
Shop Steward

Without SEIU, if something big happens we won't be able to fight it. There would be no unity or power. We would be at the mercy of the company.



Gene Chan
Chapter President, Shop Steward

We're fighting for respect—we've always been fighting for respect. We've spent years fighting to build an organization that gives all of us a balance of power and respect on the job. During this whole struggle, USA Local 1 has fought against our efforts to bring respect and power to the workers at Covenant and now they are trying to destroy what we've built. That's what this de-authorization is really about.



Bryant Evans
Shop Steward

Signing the de-authorization petition gives total power to Covenant. There has been a lot of progress toward getting a balance of power with Covenant management over the last three years. By de-authorizing our union we're giving Covenant the power to do whatever they want.

Julia Bates
Shop Steward

By signing the de-authorization petition you're signing away our respect, our contract enforcement and labor rights. I chose to be a shop steward because I wanted to support and stand up for my co-workers. I have friends that were wrongfully terminated and that wouldn't have happened if there was a strong union then. We won't have a strong union if there is a De-authorization.



Questions? Call Tim West at (415) 575-1740 ext. 130

"In" "G" Bookroom

S.J.B.
6:00 p.m.



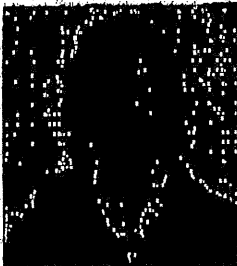
Ed Lautoa
Shop Steward

Having a strong union is what we have been fighting for during the last three and a half years. It's time to reap the rewards of our hard labor. Don't sign the de-authorization petition and risk losing what we have accomplished together.



Hezekiel Zapanta
Shop Steward

We all fought hard to be where we are now. Our union is what brings us together. We finally can voice our opinions and thoughts. By de-authorizing our union, this will take our right to be heard away from us. Support our union - don't de-authorize it!



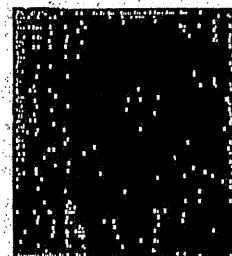
Donna Chan
Bargaining Team Member

We can't get something for nothing. We fought hard for a good contract and people like it. We all like the raises, the free parking, the better benefits. Now it's time to contribute to our union—not de-authorize it.



Sam Spencer
Shop Steward

Let's call this petition what it is: It's Anti-Union. It's not about getting the same thing without paying dues. De-authorization is Anti-Union.



Ana Mendez-Guevarra
Bargaining Team Member

Thanks to the union we have better benefits and a better salary. This is why we need to keep our strong union that we've worked so hard for. I'm asking all of the screeners to support our strong union with SEIU and not sign the de-authorization petition.



Kevin Allen
Shop Steward

If you sign the de-authorization petition, when the contract is up Covenant will flip-flop just like they have in the past, like what they did with the sick leave policy. We won't be able to do anything about it.



Warren de Guzman
Shop Steward

Signing the de-authorization petition will show that we the union, our peers and friends, are divided. When we're divided, management will attack us individually and soon we will have no union. We need to come together and support our union.



A "Free Ride"?

A Message from Your Union Chapter President

Thank you to all who participated and voted in the officers and stewards election on March 18th. Since then, we've had the shift bid, the resulting shuffle, the vacation bids and we've taken on several issues successfully in enforcing our new contract. We've also had steward trainings and are currently addressing the campaign by USA Local 1 to deauthorize SEIU Local 790, OUR UNION!

On April 27th, we SFO Airport Screeners were honored and recognized by the UC Berkeley Labor Center as the only unionized airport screeners in the country. They acknowledged the SFO Screeners and Baggage Handlers' long struggle and the difficult work that so many of us have done over the last several years to ensure a better work environment. It was very humbling to be on stage alongside such courageous workers from the California Nurses Association, Blue Diamond Almond Workers, Wal-Mart Employees, and other individual leaders. This award was for all of us who fought for our union and for respect on the job, and I want to extend this recognition to everyone who participated. We should all be very proud.



Honorees at The UC Berkeley Labor Center's Evening With the All-Stars

Despite these gains, including Union recognition and an excellent first contract, some people are still unhappy with their work situation, their union dues, and management's policies. As a union we want to deal with the problems, not simply look for the easy way out.

Several employees are circulating a petition on behalf of USA Local 1 to de-authorize SEIU 790. For years Local 1 has tried to keep our union out. Yet, the two times Local 1 has attempted to win union recognition in elections they have lost! Now they are appealing to the angry and frustrated and those willing to sign anything to save money. They are spreading the hype that we screeners can get "something for nothing". "Free" is a very powerful word. It appeals to everyone and some actually believe they can get something for nothing.

(Over)

Front,
May, 2006

I urge all of my co-workers to ask the real questions behind Local 1's motives:

- Does USA Local 1 really think we're foolish enough to believe a contract can be enforced for free? Would management honor a contract if screeners were not willing to be union members?
- If Local 1 still wants to be a union for screeners, why would they associate with the Right to Work Legal Defense Foundation, Inc., a national anti-Union organization?
- If Local 1 ever represented us, would they work for free?

For over 3 years, USA Local 1 has been unsuccessful in starting their own union. For me there was never a question of whether we needed a union here, but a question of which one. I wanted to spend my time and money wisely and not go for the cheapest way out. For me "best value" meant a union that would help us build worker power--an experienced organization with professional negotiators and reps who could get what we asked for in a contract and enforce the contract.

Lately, I have been asking airline and TSA employees at various airports about their salaries, benefits and satisfaction at their worksite. Ask for yourself. I am certain you will find out that we have better salaries, benefits, and representation than most employees at any airport. I am truly proud to have participated with the bargaining committee in winning this incredibly strong, first contract.

That is why I am willing to pay membership dues and participating in my union instead of looking for the cheapest way out. Make no mistake: I like cheap and I like savings, but I will not be fooled by the talk of a union contract with no resources and no way to enforce it. I know I will *not* get "something for nothing". I pay my dues like everyone else. There is no such thing as "free ride."

Thanks for your time,



Gene Chan
Chapter President

**But, they're
at it again...**

**We may have to go
through yet ANOTHER
vote to show that we
want to keep our union.**

**Don't be fooled by
those who want to strip
us of our power!**

**Here's what our
shop stewards
have to say...**

**The Uni
Differen**

Power * Pride * Pr

Before SFO Screeners had a un

- No contract - lower pay - less
- No guarantees.
- No protection.
- No say in policies that affect us
- No power to make changes.

Now that we have a strong unio

- An historic first contract.
- The highest pay & best benefits in
- Protection against unjust discipl
- A voice in the policies that affect
- Power to win the changes we d

Our new Airport Division means eve

SFO screeners are gaining even more
we are part of SEIU 1877's 30,000 membe
member Airport Division. By standing
and across CA, screeners have a power
poised to win even more on the job and

SEIU LOCAL 1877

45 Polk Street, 2FL, San Francisco, CA 941

p: 415-552-1301 x103 * f: 415-552-130

Your Organizer: Maggie Gibben

(7) April 2007